

REMARKS

Status of the Claims

- Claims 1, 5-8, 10-11 and 13-29 are pending in the Application after entry of this amendment.
- Claims 1-29 are finally rejected by Examiner.
- Claims 2-4, 9 and 12 are cancelled without prejudice or disclaimer.
- Claims 1, 6, 8, 10, 11, 13, 15, 22-24 and 29 are amended by Applicants.

Claim Objections

Examiner has rejected Claims 1 and 22 for the informality of using quotation marks. Applicants have amended Claims 1 and 22 to eliminate the quotation marks and overcome the informality objections.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,781,770 to Byers et al. in view of U.S. Patent No. 6,24,860 to Holland. Applicants respectfully traverse the rejection.

Byers et al. discloses a method and controller for controlling shutdown of a processing unit (Title). Specifically, Byers et al. discloses a processor shelf controller which monitors processor shelf status. *On shutdown or reset request* either initiated by a central controller or the processor shelf, the processor shelf controller provides at least a first timer that allows the operating processor shelf sufficient time to shutdown operating system processes. (Abstract).

Holland discloses a mechanism employing a memory area for exchanging information between a parent process and a child process compiled during execution of the parent process or between a run time compiler process and an application process (Title). Specifically, Holland discloses a computer system which includes a central processing unit, a parent process for execution by the CPU, a child process for execution by the CPU, a memory accessible by the CPU, and a run time compiler. The memory includes a memory area for

access by both of the parent process and the child process. The run time compiler includes a function port for invoking the compiler during execution of the parent process. (Abstract).

Amended Claim 1 recites:

A method for maintaining system integrity in a multiple user environment, the method comprising:

marking a first procedure associated with a first stack if the first procedure can affect a resource shared between the first procedure and a second procedure, wherein the first procedure is declared by the second procedure associated with a second stack; and

in response to an external command associated with the first procedure to perform one of process termination and process interruption, allotting a predefined period of time for the marked first procedure to complete before executing the external command;

wherein completion of the marked first procedure allows execution of the external command without risk of data corruption in the shared resource for subsequent processes.

Applicants has amended Claim 1 to clarify that the claimed invention is not a “shutdown or reset” function as in Byers et al. but instead, performs a process termination or process interruption in a manner that allows the process termination or interruption to occur without risk of data corruption in a shared resource for subsequent processes. This amendment finds support in the specification on page 8 lines 12-15, page 9, lines 12-14, for the “without risk of data corruption” element and page 10, lines 3-4, and page 10, lines 5-13 for the “subsequent processes” element.

Byers et al. specifically teaches a method and controller for use in shutdown or reset of an operating system and a processor. (Abstract, and col. 1 lines 58-62). As such, subsequent processes are not possible within the same computer session. Applicants submit that Byers et al. teaches a method and system whose purpose is to shutdown all operating system processes and CPUs which renders impossible subsequent computer processes within the same computing session. Applicants submit that Byers et al. teaches away from the current invention because Byers et al. can have no subsequent processes in the same computer session after the invention of Byers is exercised because it is an operating system shutdown function. Applicants note that amended Claim 1 does not recite an operating system shutdown, but instead, recites subsequent processes.

Applicants note that the teachings of Holland fail to remedy the disclosure deficiencies of Byers et al. Additionally, the combination of Byers et al. and Holland cannot be successfully combined to arrive at the invention of amended Claim 1. Applicants note that in order to use Byers et al. and Holland to arrive at the invention of Claim 1, the invention of Byers et al. must be rendered inoperative for the stated purpose of operating system shutdown. MPEP §2143.01 indicates that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

Accordingly, Applicants respectfully submit that some elements of amended Claim 1 are not found in the combination of Byers et al. and Holland, but also, Byers et al. cannot be combined with any other reference to arrive at the invention recited in amended Claim 1 because the modification of Byers et al. with any other reference would frustrate the intended purpose of the Byers et al. invention. Hence, there is no motivation to combine.

As a result, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness per 35 U.S.C §103(a) (See MPEP 706.02(j)). Applicants note that neither Byers et al. nor Holland, either alone or in combination, teach or suggest all of the elements of independent amended Claim 1. Additionally, there is no motivation to combine the references. Therefore, Byers et al. in view of Holland cannot render obvious amended Claim 1. Likewise, Claims 5-8 and 10-11 also patentably define over the cited art because these claims are dependent of amended Claim 1. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of Claims 1, 5-8 and 10-11 as they also patentably define over the cited art.

Applicants have also amended independent Claims 13, 23, 24 and 29 to recite that the first procedure can affect a resource shared between the first procedure and a second procedure and that completion of the first procedure allows execution of the command without risk of data corruption in the shared resource for subsequent processes. Since neither Byers et al. nor Holland, alone or in combination can render obvious independent amended Claims 13, 23, 24 and 29 and their dependent claims for the reasons stated above, then these claims also patentably define over the prior art. Accordingly, Applicants respectfully request withdrawal of the 35 USC §103(a) rejection for Claims 13-29.

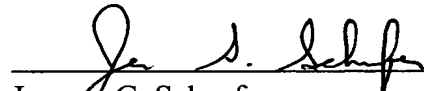
DOCKET NO.: USYS-0114 / TN241
Application No.: 09/992,914
Office Action Dated: 03/24/2005

PATENT

Conclusion

In view of the above remarks, Applicants submit that the present application is in a condition for allowance upon entry of the amendments herein. Applicants respectfully solicit a Notice of Allowance for all pending claims.

Date: June 2, 2005


Jerome G. Schaefer
Registration No. 50,800

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439